

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1415 of 2021

Arising Out of PS. Case No.-87 Year-2020 Thana- BAUSI District- Araria

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1. Narayan Sah, aged about 60 years (M), Son of Late Moti Sah, Resident of Village – Rehua, Ward No. 14, P.S.- Bounsi, District - Araria.
 2. Nandan Kumar Sah @ Bhaskar Kumar Sah @ Bhaskar Kumar, aged about 20 years (M), Son of Late Guru Prasad Sah, Resident of Village – Rehua, Ward No. 14, P.S.- Bounsi, District - Araria.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants : Mr. Mukesh Kumar Rana, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in A.B.P. No. 1828 of 2020 in connection with Special (SC/ST) Case No. 162 of 2020, arising out of Bounsi P.S. Case No. 87 of 2020, registered for the offences under Sections 341, 323, 324, 504, 506/34 of the I.P.C. and Sections 3(i)(r), 3(i)(s) of the SC/ST Act.

The prosecution case, in short, is that on 11.07.2020 at about 12.00 P.M. in the noon, the informant went to see the field and saw that the appellant no. 1 Narayan Sah and other co-



accused persons named in the F.I.R. were erecting ridge in his field and on protest raised by the informant the accused persons started abusing him with his caste name and co-accused Vinod Sah started assaulting him. In the meantime, the appellant no. 2 Nandan Kumar Sah and other co-accused persons came there and started assaulting and abusing the informant, due to which, he sustained leg fracture injury and the appellant no. 1 Narayan Sah gave spade blow upon which due to which the informant sustained injury on his left hand.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. In course of investigation, the allegation as made in the F.I.R. was found to be false. The charge sheet indicates that the appellants were not sent up for trial but the learned court below differed with the same and took cognizance against the appellants. There is case and counter case between the parties. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the



appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 01.12.2020, passed in A.B.P. No. 1828 of 2020 in connection with Special (SC/ST) Case No. 162 of 2020, arising out of Bounsi P.S. Case No. 87 of 2020 by learned 1st Additional Sessions Judge-cum-Special Judge, Araria, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special (SC/ST) Case No. 162 of 2020, arising out of Bounsi P.S. Case No. 87 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

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(Sudhir Singh, J)

